

BEFORE
THE PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA
DOCKET NO. 2002-270-T

IN RE:

Petition of the Office of Regulatory)	
Staff to Revoke the Certificate of)	
Public Convenience and Necessity of)	MOTION FOR IMMEDIATE
Edward J. Arthur d/b/a)	SUSPENSION OF CERTIFICATE
Last Mile Transport)	OF PUBLIC CONVENIENCE AND
For Failure to Maintain and File)	NECESSITY
Evidence of Insurance)	

The Office of Regulatory Staff, by the filing of this Motion would respectfully show and request of the Commission:

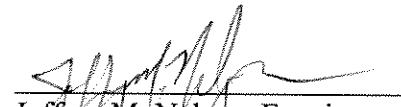
1. That contemporaneously with this Motion, the Office of Regulatory Staff (“ORS”) did file with the Commission a Petition For Rule to Show Cause in the above captioned matter requesting the Commission to schedule a formal administrative hearing to revoke the Certificate of Public Convenience and Necessity of Edward J. Arthur d/b/a Last Mile Transport (herein “Last Mile” or “the Company”) See Attachment A, Certificate of Public Convenience and Necessity issued by the Commission to **EDWARD J. ARTHUR D/B/A LAST MILE TRANSPORT** on **August 22, 2002**.
2. That as shown in attachments to that Petition, the ORS evidenced that Columbia Insurance Company cancelled the motor carrier insurance policy of Last Mile effective July 23, 2006. See Attachment B, Form K.

3. That as a result of the receipt of the Form K, the ORS contacted **EDWARD J. ARTHUR D/B/A LAST MILE TRANSPORT** requiring that the Company provide evidence of insurance to the ORS within thirty (30) days as **EDWARD J. ARTHUR D/B/A LAST MILE TRANSPORT** would no longer have insurance as required under S.C. Code Ann. §58-23-910 (Supp. 2004) on July 23, 2006. See Attachment B, Form K and Attachment C, Certified Letter of George Parker.
4. That in further support of this Motion, the ORS hereby provides as Attachment D the Affidavit of Jeanne Gordon evidencing that Last Mile has failed to respond or otherwise provide proof of insurance to the ORS since that date.
5. That the Commission's own regulations specifically provide that the mere failure of a company to file evidence of insurance is sufficient grounds for the suspension of a Certificate of PC&N. As stated in 26 S.C. Code Regs. 103-175 (Supp. 2005) "Either a failure to file evidence of insurance or surety bond or failure to keep all insurance or bonds in full force and effect shall be just cause for the Commission **without further evidence or hearing**, to suspend its order granting authority or to suspend the certificate or any license issued to the motor carrier." (emphasis added). Further, 26 S. C. Code Regs. 103-240 (Supp. 2005) provides in relevant part that "this rule (providing for notice an opportunity to be heard) shall have no effect upon rules hereinbefore set forth which authorize suspension, revocation, alteration, or amendment of a

certificate or of an existing order granting operating rights **without hearing** where certain conditions exist.”

6. That while this matter is awaiting a hearing before the Commission, such continued operation by Last Mile without any form of insurance is contrary to the public interest as an uninsured motor carrier may pose a threat to customers of the Company and the general public, who would be unaware of Last Mile’s lack of insurance.

WHEREFORE, the ORS staff prays that this Honorable Commission immediately and without further evidence or hearing suspend, pursuant to 26 S.C. Code Regs. 103-175 (Supp. 2005), the Certificate of Public Convenience and Necessity, Number 7264, of Edward J. Arthur d/b/a Last Mile Transport Service (issued under Order No. 2002-591 in Docket 2002-270-T) and for such other appropriate action which the Commission may deem necessary and proper.



Jeffrey M. Nelson, Esquire
Nanette S. Edwards, Esquire
Office of Regulatory Staff
PO Box 11263
Columbia, SC 29211

September 6, 2006
Columbia, SC



**Public Service Commission of South Carolina
Columbia, South Carolina**

Docket No. 2002-270-T
Order No. 2002-591
Certificate No. 7264

CLASS C CHARTER

**Certificate of Public Convenience and Necessity
For the Operation of
MOTOR VEHICLE CARRIERS**

NAME: Edward J. Arthur DBA **LAST MILE TRANSPORT**

ADDRESS: 632 Amherst Street, Hartsville, SC 29550

is hereby authorized to furnish passenger service, by means of motor propelled vehicles, as follows:

BETWEEN POINTS AND PLACES IN SOUTH CAROLINA

RESTRICTED TO: SEVEN (7) PASSENGERS

COPY

THIS CERTIFICATE is issued upon finding by the Commission, that Public Convenience and Necessity require such operation, under the terms of the Motor Vehicle Carriers' Law (Sections 58-23-10 - 58-23-60 of the South Carolina Code of Laws, 1976, and amendments thereto), and,

CONDITIONED: That all motor vehicles operated by virtue of this Certificate shall be so operated in accordance with the said Motor Vehicle Carriers' Law and the Rules and Regulations issued thereunder, and,

CONDITIONED FURTHER: That neither this Certificate nor the rights granted herein shall be sold, assigned, leased, transferred, mortgaged, pledged, or otherwise hypothecated, unless first approved by the Commission.

DATED at Columbia, South Carolina, this 22nd day of August A.D., 2002.


Executive Director


Chairman

FORM K

UNIFORM NOTICE OF CANCELLATION OF MOTOR CARRIER INSURANCE POLICIES EXP N32728

Check type canceled: BI and PD ☒ Cargo ☐

Filed with SOUTH CAROLINA PUBLIC SERVICE COMMISSION (hereinafter called commission)
(Name of Commission)

This is to advise that under the terms of a policy or policies issued to:

EDWARD J. ARTHUR
DBA: LAST MILE TRANSPORT Name of Motor Carrier
of 632 ANHERST ST.
by COLUMBIA INSURANCE COMPANY HARTSVILLE SC 29550
 (Address of Motor Carrier)
of 3024 HARNEY STREET OMAHA, NEBRASKA 68131
 (Name of Company)
 (Address)

said policy or policies, including any and all endorsements forming a part thereof or certificates issued in connection therewith, is (are) hereby canceled effective as of the 23 day of JUL, 2006, 12:01 a.m., standard time at the address of the Insured as stated in said policy or policies provided such date is not less than thirty (30) days after the actual receipt of this notice by the commission.

[Signature]
 (Signature of Insurer)

Insurance Company File No. 71 APN365716
 (Policy No.)

This form determined by the National Association of Regulatory Utility Commissioners and promulgated by the Interstate Commerce Commission pursuant to the provisions of Section 202(b) (2) of the Interstate Commerce Act (49 U.S.C., sec. 302(b) (2)). MC 2445 (Ed. 4-68)

C. DUKES SCOTT
EXECUTIVE DIRECTOR

P.O. Box 11263
Columbia, S.C. 29211



Phone: 803-737-0800
Fax: 803-737-0801

DAN FARNETT
CHIEF OF STAFF

June 16, 2006

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Edward J. Arthur dba
Last Mile Transport
632 Amherst Street
Hartsville, SC 29550

RE: Public Service Commission Required Intrastate Insurance Filing

Dear Sir/Madam:

Pursuant to S.C. Code Regulation 103-170.1, all motor carriers regulated by the Public Service Commission must file evidence of current insurance. The Office of Regulatory Staff has received the following notice affecting your current insurance coverage:

Insurance Type:	Public Liability and Property Damage Insurance Policy No 71 APN365716
Issued by:	Columbia Insurance Company
Will be:	<u>CANCELLED EFFECTIVE 07/23/06 at 12:01 a.m.</u>

To remain in compliance with the Public Service Regulations, it is necessary that you file proof of current insurance coverage (**FORM E**) with the Office of Regulatory Staff prior to the above listed cancellation date. Proof of insurance can be mailed or faxed to:

S.C. Office of Regulatory Staff
Transportation Department
PO Box 11263
Columbia, SC 29211

Fax: 803-737-0801

****IMPORTANT** **IMPORTANT** **IMPORTANT****

If you have renewed your insurance with the same company or changed insurance companies, please contact our office to see if your insurance company has submitted a current Form E.

If you receive this letter and your company is no longer in business, please contact the Transportation Department at 803-737-0800 and request a Cancellation of Certificate Form.

If you fail to provide this information, you are ordered and directed to cease operations as of the above cancellation date. Operation without proper insurance is a violation of the law and you will be subject to all penalties as outlined in the S.C. Code of Law and Regulations.

Please contact the Transportation Department with any questions at 803-737-0800.

Sincerely,

L. George Parker
Program Manager
Transportation Department

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

Article Addressed to:

Edward J. Arthur dba
Last Mile Transport
632 Amherst Street
Hartsville, SC 29550

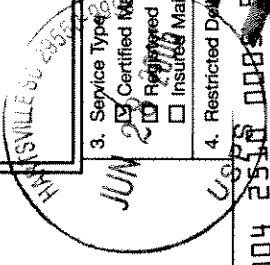
COMPLETE THIS SECTION ON DELIVERY

A. Signature [Signature] ☐ Agent
☒ Addressee
 B. Received by (Printed Name) _____ C. Date of Delivery _____
 D. Is delivery address different from item 1? ☐ Yes
 If YES, enter delivery address below: ☐ No

3. Service Type ☒ Certified Mail ☐ Express Mail
☒ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ G.O.D.
 4. Restricted Delivery ☐ Yes
☒ No (Extra Fee)

Article Number 7004 2550 0085 5751 9995
 (Transfer from service label)

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-154



BEFORE
THE PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA
DOCKET NO. 2002-270-T

August 17, 2006

IN RE: Petition of the Office of Regulatory)
Staff to Revoke Certificates of) AFFIDAVIT OF
Public Convenience and) Jeanne Gordon
Necessity of Certain Motor Carriers)

The Affiant, after having been first duly sworn, deposes and states as follows:

- 1) My name is Jeanne Gordon and I am employed by the Office of Regulatory Staff ("ORS") as Program Specialist for the Transportation Department.
- 2) My office is located at 1441 Main Street, Columbia, South Carolina, 29201 (Mailing Address: Post Office Box 11263, Columbia, South Carolina 29201).
- 3) My duties and responsibilities as Program Specialist for ORS include serving as custodian of records for business filings associated with motor vehicle carriers subject to the jurisdiction of the Public Service Commission ("PSC").
- 4) It is the regular business practice of ORS to maintain certain business records required to be filed by motor vehicle carriers that are subject to the jurisdiction of the PSC.
- 5) As a result of my duties and responsibilities, I have knowledge of the manner in which the books and records are kept and of any books or records which are not complete or which are not on file with ORS.
- 6) On July 23, 2006, I examined the business records on file with ORS.
- 7) I attest that the proof of insurance as required by 26 S.C. Code Regs 103-171 has not been filed with ORS by the following company as of August 15, 2006:

Edward J. Arthur dba Last Mile Transport 632 Amherst Street Hartsville, SC 29550

AND FURTHER THE AFFIANT SAYETH NOT.

Jeanne Gordon

Jeanne Gordon

Program Specialist, Transportation Department

Office of Regulatory Staff

P.O. Box 11263

Columbia, South Carolina 29211

Sworn and subscribed before me

this 16 day of August, 20 06

Susan Haupmann

Notary Public for South Carolina

My Commission Expires: 08-17-07